

ESTTA Tracking number: **ESTTA481876**

Filing date: **07/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	American Airlines, Inc.
Granted to Date of previous extension	07/04/2012
Address	4333 Amon Carter Blvd. Fort Worth, TX 76155 UNITED STATES
Attorney information	Andrew J. Avsec BRINKS HOFER GILSON & LIONE P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinkshofer.com, aavsec@brinkshofer.com, rrios@brinkshofer.com, nicholasd@brinkshofer.com

### Applicant Information

Application No	85268722	Publication date	03/06/2012
Opposition Filing Date	07/05/2012	Opposition Period Ends	07/04/2012
Applicant	Pethe, Travis 7674 South Brentwood Street Littleton, CO 801288286 UNITED STATES		

### Goods/Services Affected by Opposition

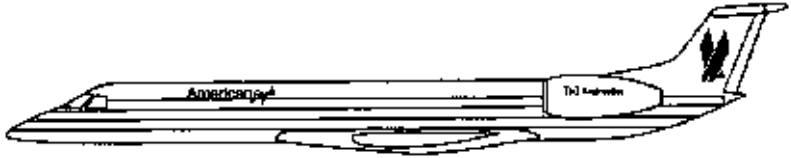
Class 039. All goods and services in the class are opposed, namely: Transportation and delivery services by ground and sea of aerospace systems and components; safe storage of potentially hazardous aerospace systems, components, parts and materials
Class 041. All goods and services in the class are opposed, namely: Training services in the field of professional development training and technical training provided to aerospace and aerospace safety professionals; educational services, namely, providing online instruction via an online website in the field of professional development training and technical training provided to aerospace and aerospace safety professionals
Class 042. All goods and services in the class are opposed, namely: Product development and engineering services for others

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Application is void ab initio for identifying wrong owner at filing; Applicant lacked bona fide intent to use mark

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1388600	Application Date	08/16/1985
Registration Date	04/01/1986	Foreign Priority Date	NONE
Word Mark	AMERICAN EAGLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1984/11/01 First Use In Commerce: 1984/11/01 PASSENGER AND FREIGHT AIR TRAVEL SERVICES		

U.S. Registration No.	2770993	Application Date	05/06/2002
Registration Date	10/07/2003	Foreign Priority Date	NONE
Word Mark	AMERICAN EAGLE RJ REGIONALJET		
Design Mark			
Description of Mark	<p>The mark consists of the following elements positioned on both sides of a jet aircraft. Three stripes of equal size run the length of the aircraft; the top stripe is blue, the middle stripe is white and the bottom stripe is red. The phrase "AMERICAN EAGLE" in red is toward the front of the plane. The phrase "RJ REGIONAL JET" is on the outer side of each nacelle. The letter "R" and the word "REGIONAL" are blue. The letter "J" and the word "JET" are red. There is a blue and red eagle located in the middle of the "R" and "J". The eagle wing nearest the "R" is blue and opposite eagle wing (nearest the "J") is red. Another eagle in the reverse color scheme is located on both sides of the tail of the aircraft.</p>		
Goods/Services	Class 039. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 transportation services, namely transportation of passengers and cargo		

U.S. Registration No.	1769997	Application Date	05/28/1991
Registration Date	05/11/1993	Foreign Priority Date	NONE
Word Mark	AMERICAN EAGLE LATITUDES		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 016. First use: First Use: 1990/09/01 First Use In Commerce: 1990/09/01 travel magazine for airline passengers
----------------	--

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	AMERICAN EAGLE		
Goods/Services	Passenger and freight air travel services		

Attachments	76403819#TMSN.gif ( 1 page )( bytes ) American Eagle Aerospace Notice_of_Opposition 7 5 12.pdf ( 7 pages )(19782 bytes )
-------------	---

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew J. Avsec/
Name	Andrew J. Avsec
Date	07/05/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

<b>American Airlines, Inc.,</b>  <b>Opposer,</b>  <b>v.</b>  <b>Travis Pethe,</b>  <b>Applicant.</b>	<b>Opposition No.:</b> _____  <b>Mark: AMERICAN EAGLE AEROSPACE</b> <b>U.S. Serial Nos.: 85/268,722</b>
--	--

**NOTICE OF OPPOSITION**

Opposer American Airlines, Inc. (“American Airlines” or “Opposer”), a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in Fort Worth, Texas, believes that it will be damaged by registration of the mark that is the subject of United States Service Mark Application Serial No. 85/268,722 (the “Opposed Mark”), filed in the name of Travis Pethe, an individual (“Applicant”), and therefore hereby opposes such registration pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Applicant is the owner of U.S. Trademark Application Serial No. 85/268,722 for the mark AMERICAN EAGLE AEROSPACE, filed on March 16, 2011 and covering the following recitation of services: “[t]ransportation and delivery services by ground and sea of aerospace systems and components; safe storage of potentially hazardous aerospace systems, components, parts and materials” in Class 39; “[t]raining services in the field of professional development training and technical training provided to aerospace and aerospace safety professionals; educational services, namely, providing online instruction via an online website in the field of professional development training and technical training provided to aerospace and aerospace

safety professionals” in Class 41; and “[p]roduct development and engineering services for others” in Class 42.

2. Opposer has been, and is now, extensively engaged in the business of marketing and selling various goods and services, including travel and transportation related goods and services, in interstate commerce. In connection with such marketing and sales, Opposer extensively has used, and continues to use, the trademark and/or service mark AMERICAN EAGLE alone and in connection with other words and designs (the “AMERICAN EAGLE Marks”).

3. AMERICAN EAGLE branded aircraft have carried over 250 million passengers since 1984, and AMERICAN EAGLE flights serve approximately 150 destinations and depart 1,700 times daily. As a result of extensive promotion and sales under the AMERICAN EAGLE Marks, the AMERICAN EAGLE Marks are famous, having generated significant goodwill.

4. In addition to providing passenger transportation services, Opposer provides cargo services that ship a wide range of products across a variety of industries and in connection therewith, Opposer has used the AMERICAN EAGLE Marks continuously since prior to the filing date of Applicant’s application.

5. Opposer’s use in interstate commerce of the AMERICAN EAGLE Marks in connection with the transportation of passengers and cargo and related goods and services predates Applicant’s application for the Opposed Mark by many years.

6. In addition to common law rights, Opposer is the owner of the United States trademark registrations for the AMERICAN EAGLE Marks listed in the attached Exhibit A. All of these registrations are valid, subsisting and in full force and effect.

7. Opposer's AMERICAN EAGLE Marks are strong and distinctive. Opposer's goods and services offered in association with the AMERICAN EAGLE Marks have been, and continue to be, extensively marketed and sold in United States' commerce. Further, Opposer has extensively promoted its goods and services in association with the AMERICAN EAGLE Marks in the United States for decades. By reason of such advertising, promotion and sale of Opposer's goods and services under the AMERICAN EAGLE Marks, Opposer has developed substantial goodwill in connection with the AMERICAN EAGLE Marks.

8. Notwithstanding Opposer's prior rights in and to the AMERICAN EAGLE Marks, Applicant filed, on March 16, 2011, an application to register the AMERICAN EAGLE AEROSPACE mark. Upon information and belief, Applicant' was aware of Opposer's AMERICAN EAGLE Marks before Applicant filed Application Serial No. 85/268,722.

9. The Opposed Mark is confusingly similar to Opposer's AMERICAN EAGLE Marks, and the registration and use of the Opposed Mark by Applicant in association with the claimed services is likely to cause confusion as to the source or origin of Applicant's services, and is likely to mislead consumers, all to Opposer's damage. The Opposed Mark is nearly identical to Opposer's AMERICAN EAGLE Marks in appearance, sound, meaning, and commercial impression, with the exception of the highly descriptive or generic term AEROSPACE, the addition of which only reinforces the likelihood of confusion with the AMERICAN EAGLE Marks.

10. The services of Opposer and those contained in the recitation of services in the application of the Opposed Mark are identical or closely related and are offered to the same or overlapping classes of purchasers. For example, the recitation of services in the application for the Opposed Mark encompasses "[t]ransportation and delivery services by ground and sea of

aerospace systems and components” and Opposer’s registrations cover transportation of cargo, among other services.

11. The Opposed Mark, as used in connection with the claimed services, is likely to cause confusion in the minds of the public, and is likely to deceive purchasers. The public, upon seeing the Opposed Mark in connection with Applicant’s services, would believe that such services originate with, are sponsored by, or have some connection with Opposer. Accordingly, registration of the Opposed Mark would seriously damage Opposer, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

12. Upon investigation, information and belief, the mark was not owned by the Applicant as of the filing date of the application. The application identifies the wrong owner, and thus the application is void *ab initio* pursuant to TMEP § 1201.02(b).

13. Upon investigation, information and belief, Applicant lacked a *bona fide* intent to use the mark in commerce in the United States on all of the services referenced in Application No. 85/268,722 at the time the application was amended to an intent-to-use application. Accordingly, Applicant fails to meet the statutory requirements for registration under Trademark Act Section 1(b) and Application Ser. No. 85/268,722 must be refused registration.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 85/268,722 and therefore respectfully requests that such registration be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to  
Deposit Account No. 23-1925.

Respectfully submitted,

AMERICAN AIRLINES, INC.

Dated: 7/5/2012

By: /Andrew J. Avsec/

Jeffery A. Handelman

Nicholas G. de la Torre

Andrew J. Avsec

BRINKS HOFER GILSON & LIONE

P.O. Box 10395

Chicago, IL 60610

(312) 321-4200

Attorneys for Opposer



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant at the following address by U.S. mail, postage prepaid, on this 5th day of July 2012.

RAJ ABHYANKER  
RAJ ABHYANKER, P.C.  
1580 W. EL CAMINO REAL STE 8  
MOUNTAIN VIEW, CA 94040-2462

\_\_\_\_\_/Andrew J. Avsec/

**Exhibit A**

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Goods/Services</b>
AMERICAN EAGLE	1,388,600	04/01/1986	Passenger and freight air travel services in Class 39
<b>AMERICAN EAGLE RJ REGIONALJET and Design</b>	2,770,993	10/07/2003	Transportation services, namely transportation of passengers and cargo in Class 39
<b>AMERICAN EAGLE LATITUDES</b>	1,769,997	05/11/1993	Travel magazine for airline passengers in Class 16.